

## MINERAL LANDS IN CALIFORNIA.

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FEBRUARY 16, 1889.—Referred to the House Calendar and ordered to be printed.

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Mr. McKENNA, from the Committee on the Public Lands, submitted the following

### REPORT:

[To accompany bill S. 419. 1

The Committee on the Public Lands, to whom was referred the bill (S. 419) "to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral," make the following report:

This bill is in accord with settled legislative precedents, the most recent action of Congress in this direction being that in behalf of the State of Colorado, passed in the Forty-eighth Congress (U. S. Stats., vol. 23, p. 10), and the pending bills to admit the Northwestern Territories. Congress, on March 3, 1853 (U. S. Stats., vol. 10, p. 244), granted California the sixteenth and thirty-sixth sections therein, and where said sections had been otherwise disposed of then other lands equivalent in quantity were granted in lieu thereof.

Under this grant it was ever supposed that all such sections passed to the State, whether containing mineral or not, until the United States Supreme Court decided otherwise in the case of *Mining Company vs. Consolidated Mining Company* (102 U. S., p. 167). Said court declared that the policy of the Government was to reserve lands containing mineral, and thereby excluded the right of the State of California to take such school sections as were classified as mineral in character.

The State, being thus deprived of the particular lands so classified, is now inhibited from asserting title thereto, but should receive an equivalent acreage of agricultural land to supply the deficiency so arising.

This is all that the present bill contemplates. It makes no new grant, but defines more clearly the intention of Congress in its original grant to said State, and places the State on equal footing with all others in respect to its school grant.